

FIJI MILITARY GOVERNMENT DECREE NO. 21

EXECUTIVE COUNCIL OF MINISTERS—RESPONSIBILITIES OF LEADERSHIP  
CODE DECREE 1987 (NO. 21)

IN exercise of the powers vested in me as Commander and Head of the Fiji Military Government, I hereby make the following Decree:

1. The Decree may be cited as the Executive Council of Ministers—Responsibilities of Leadership Code Decree 1987.

RESPONSIBILITIES OF LEADERSHIP CODE

*Introductory*

2. The Republic of Fiji seeks to establish by its Executive Council of Ministers a recognition that in so far as the leadership of the nation is entrusted for the welfare of the nation by the people through the members of the Executive Council of Ministers they shall be vigilant to ensure that they ethically uphold and administer such an endowment.

*Leadership Responsibilities*

3.—(1) Having as it does a base of firm Christian beliefs and principles and hopefully deserving and worthy as the repository of public pride in their integrity and leadership the Executive Council of Ministers adopt the code set out hereunder.

(2) A member of the Executive Council of Ministers (hereafter referred to as Minister) shall be under a duty to conduct himself in his public and private life so as not to:

- (a) place himself in a potential or actual position of conflict of interests or which might be perceived by a member of the public to be a compromise of his office and his capacity to carry out such duties and affairs of state.
- (b) demean or bring into ridicule hatred and/or contempt his office or position:
- (c) allow his integrity or cause his honesty to be called into question.
- (d) endanger, diminish and tarnish the respect for and confidence in the integrity and reputation of the Fiji Military Government.

*Use of office for personal benefit etc.*

4.—(1) A person to whom this Decree applies who, except as specifically authorized by law, directly or indirectly asks for or accepts, on behalf of himself or an associate, any benefit in relation to any action (past, present or future) in the course of his duties, or in the course of or by reason of his official position, is guilty of misconduct in office.

(2) Subsection (1) extends to the case of a person to whom this Decree applies who, except in the course of and for the purpose of his official duties or his official position, uses or allows his name or his official position to be used for the benefit of himself or any other person.

*Personal Interest*

5.—(1) A Minister who fails to reveal to the Executive Council the nature and extent of his interest, or the interest of an associate, in a matter with which he has to deal in his official capacity is guilty of misconduct in office.

(2) A Minister to whom this Decree applies—

- (a) who, or an associate of whom, has an interest in a matter which he has to deal with in an official capacity; and
- (b) who does deal with that matter (whether by voting on a question concerning it or otherwise).

is, subject to Subsection (3) guilty of misconduct in office.

(3) Subsection (2) does not apply if the person concerned dealt in good faith with the matter—

- (a) under compulsion of law; or
- (b) in case of urgent necessity, if he—
  - (i) has revealed his interest in accordance with Subsection (1); or
  - (ii) does so reveal his action as soon as practicable; or
- (c) after he has revealed his interest in accordance with Subsection (1) and under authorization by the appropriate authority.

*Personal advantage not to be gained from Official Information*

6.—(1) Subject to Subsection (2), a person to whom this Decree applies who—

- (a) except in the course of his official duty, divulges, directly or indirectly, any confidential or secret information acquired by him in the course of his official duty; or
- (b) for personal gain or advantage or for the personal gain or advantage of some other person discloses or uses any information acquired by him in the course of his official duty.

is guilty of misconduct in office.

(2) The provisions of Subsection (1) do not apply to information which has been officially released by the person or body having power to release it for public information.

*Disclosure of Assets*

7.—(1) Upon and within one month of being sworn in as a Minister, each member of the Executive Council shall complete and submit to the Secretary of the Executive Council a full typewritten disclosure showing:

- (a) All assets and liabilities;
- (b) Bank and Financial Institutions Accounts;
- (c) All mortgages given or held together with copies thereof;
- (d) Detailed financial statements of all businesses conducted and in which a viable interest or share is held and/or maintained;
- (e) Company directorships;
- (f) Partnerships in which active membership is current together with copies of the partnership agreement;
- (g) Details giving account numbers, bank/financial institution identity and current balance of all overseas bank accounts held by the Minister, his spouse or on trust for him/his family.
- (h) All discretionary trust deeds, service companies, trading trusts in which the Minister is a party thereto either by himself or with his wife and family and/or relatives.
- (i) Share certificates, unit trust deposits and/or future contracts and all other financial documentation of a like nature showing or tending to show any financial holding interest or benefit accruing to the Minister and/or his family.
- (j) Any fiscal sharing/splitting arrangement either in Fiji or overseas together with associated documentation.
- (k) Tax Returns—copies of the same for the last five years for each Minister and any corporation, partnership and/or trust in which disclosure has been given above together with Balance Sheets and Profit and Loss Accounts where applicable.
- (l) Banks Statements for each account disclosed for a period of not less than 3 years.

(2) The Minister shall disclose all material actions, dealings, or interests, financial or otherwise that may stand to compromise the standards of the office or the administration.

(3) Each Minister will be required to submit the Disclosure Forms thereafter annually on the same month.

*Complaints and Procedure*

8.—(1) Either on the complaint of a member of the public or on receipt of sufficient evidence from other source, the Head of Government may cause an investigation to be made into the complaint.

(2) If an investigation is necessary in terms of subsection (1) of this section, the Head of Government shall appoint an investigator, whose powers shall be the same as that of a police officer.

(3) The investigator shall thoroughly investigate the complaints and shall obtain all the relevant evidence. He shall report on his finding to the Head of Government.

*Disciplinary Action*

9.—(1) After an investigation and on an adverse finding being made the investigator shall recommend that disciplinary action be taken against the Minister or Ministers concerned.

(2) The recommendations of the investigator shall be subject to the decision of the Head of Government.

10. A Minister who is under investigation shall be suspended from office, unless otherwise decided by the Head of Government.

11.—(1) If, after investigation a Minister or Ministers is reported upon adversely, the Committee shall report their findings to the Head of Government.

(2) Except in the existence of strong extenuating factors, a Minister or Ministers with an adverse report from an investigation shall be dismissed from office by the Head of Government.

(3) The decision of the Head of Government in these respects shall be final and shall not be reviewable in any court of law.

12. The time for compliance with the furnishing of the disclosure shall not be the subject of an extension in the absence of sufficient cause being shown.

13. The Decree shall come into force on 17th November 1987.

Dated this 11th day of November 1987.

COLONEL SITIVENI LIGAMAMADA RABUKA O. B. E. (Mil.)  
Commander and Head of the Fiji Military Government